

## Commissioner Lori F. Kaplan

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Text as prepared for: 13th Annual Joseph Taylor Symposium  
Environmental Justice: Resurrecting Our Neighborhoods Panel

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*(Text does not include verbatim comments)*

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- Thank you, Lenore, for inviting me to be here today to take part in such a meaningful discussion and before so many community leaders.
- And thank you, Dr. Rhodes. I want to thank you for helping bring attention to such an important subject and for putting your influence to the task of continuing to bring awareness to the job we have ahead of us.
- By IDEM's definition, Environmental Justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.
- Fair treatment means that no group of people, including a racial, ethnic, or socioeconomic group should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies.
- Put more simply, at IDEM we want all Hoosiers to have the opportunity to participate in issues that affect their quality of life.
- My role here today is to tell you about the responsibility that government, both at the state and federal level, has in EJ issues.
- Introduction of Dana Reed Wise
- Before I get started, I wanted to lay a little groundwork:
- EPA EJ Office commissioned a study: **"OEJ Study on Industry Perspectives and Practices Regarding Environmental Justice: Prelim Observations"**
- Most companies reported a negative connotation associated with "EJ"
- The term "EJ" provokes anxiety on part of some industry representatives; "Language of Discrimination" polarizes stakeholders and increases confrontation

- Several companies declined to participate in the study, even some identified by EJ activists as setting positive examples
- Another comment – lack of clarity of EJ legal and regulatory requirements:  
THERE ARE NONE
- Most effective means to achieve success – PARTNERING, with heavy emphasis of grassroots organizing and participation

## **Federal Government**

- In 1994, President Clinton issued Executive Order 12898 - mandatory that any agency accepting federal dollars had to consider environmental and human health concerns when making any policy decisions.
- Title VI of the Civil Rights Act of 1964 set the stage for Environmental Justice because it made discrimination illegal. While there have been a few cases where Title VI has been used to challenge permitting decisions; none have been successful to date.
- The EPA's EJ work began even before the president issued his Executive Order.
- 1993 - EPA established the National Environmental Justice Advisory Council, (NEJAC) – a Federal Advisory Committee, to provide advice and recommendations to the Administrator on material related to EJ.
- I am one of 26 members of the Executive Council – one of only two reps from state government. Other groups represented: various minority groups (African American, Native American, Asian, Hispanic), local government, academia, industry.
- NEJAC has seven sub-committees each focusing on a different issue:
  - Air and Water
  - Enforcement
  - Health and Research – me and Dana
  - Indigenous Peoples
  - International
  - Puerto Rico
  - Waste and Facility Siting
- NEJAC membership has been called upon to review various EPA draft documents from an EJ perspective, for example, the Framework for Cumulative Risk Assessment and the Contaminated Sediments Science Plan

- NEJAC just recently released its own report, at the request of EPA: Fish Consumption and Environmental Justice report.
- The next focus of NEJAC, which was the subject of the 12/10 meeting in Baltimore: Advancing EJ Through Pollution Prevention. A report will also be produced on this subject, and a listening session was held at the Baltimore meeting to hear concerns of citizens.
- We also heard case study reports about two community projects: Chemical Co. in Houston, Park Heights Auto Body/Auto Repair Shop Case Study
- **"A Citizen's Guide to Using Federal Environmental Laws to Secure Environmental Justice"** produced by Environmental Law Institute with support from EPA
- Many other tools available, such as EJ Small Grants "Emerging Tools for Local Problem Solving" – grants of \$10,000 to 20,000 available to community based grassroots organizations, churches, other non-profits and tribal governments
- In 1999, 2 Indiana community groups received grants - The Carver Community Organization in Evansville received \$15K to establish a resource center focused on environmental education; and the Indianapolis Urban League received \$15K to develop a GIS database for evaluating air quality
- I congratulate these organizations and look upon them as great partners in the state's EJ initiative

## **Indiana's EJ Work**

- 1999 – IDEM a State and Tribal Environmental Justice Grant worth \$100K – money got us started:
- EJ Committee formed to help put together Indiana's EJ Strategic Plan
- The key principles of our plan are:
- **Awareness and Sensitivity** – making sure **all IDEM staff** involved in environmental decision making are aware of the potential cumulative environmental burden their decisions could have
- **Public Participation** – improving our efforts to solicit meaningful public input providing opportunities for citizens to impact our decisions
- **Inclusiveness** – including all interested parties and other governmental agencies in the process of implementing an effective EJ strategic plan

- **Proactivity** – actively pursuing resolutions to EJ disputes, serving as the facilitator or arranging the facilitation of meetings by the interested parties
- **Communication and Education** – educating our staff and others in a clear, concise manner; communicating our program and other necessary information in clear, easily accessible forms
- **Sustainability** – In partnership with other state, local, and federal stakeholders, developing guidelines and program measures to gauge its effectiveness and improve the strategic plan as needed.
- So what are we doing beyond planning?
- We are using 2000 census data to create demographic and environmental information maps to help us determine potential EJ areas.
- We will use those maps to determine where to focus our outreach and education efforts.
- With the assistance of the EJ grant, we were able to produce three very useful tools for Indiana Citizens: comprehensive Guide for Citizen's Participation, a version - Getting Involved in Environmental Decision Making, which contains highlights from our citizen's participation guide. And, a pamphlet: How to Participate in Environmental Decision-Making. The longer and shortest of these documents are available in Spanish, along with our Strategic Plan pamphlet.
- All of our documents can be found on our web-site.  
[www.in.gov/idem/environmentaljustice](http://www.in.gov/idem/environmentaljustice)
- All IDEM staff have gone through EJ training; we are in the process of considering Title VI and socioeconomic concerns when making permitting and other decisions.
- We are also establishing an Indiana Environmental Justice Advisory Committee, an outgrowth of the initial Strategic Planning Committee, to assist us in disseminating information, developing tools for community input, and the overall implementation of our strategic plan. Our first meeting is tentatively scheduled for March 19. Watch our web-page for finalized plans on that meeting
- We have also gotten involved in meetings between interested parties on permitting issues and facility construction.
- Example: Midwest Medical Waste, Gary.
- Midwest Medical, an existing medical waste transfer station, wanted to expand its services by constructing an autoclave – which is a device that uses heat to

decontaminate waste – to process medical waste in addition to serving as a transfer station.

- The owners applied for a special permit with our solid and hazardous waste permitting section, to build and operate the autoclave.
- The community did not want this operation in their neighborhood because of concerns over spills, emissions, and improper zoning. There was also an obvious mistrust for the owners/investors, and potential operators.
- By law, IDEM can only consider if health based emissions standards and hazardous waste requirements are being met. No legal provisions to address siting.
- We made this clear to the residents of the community and suggested they should contact their local officials regarding the zoning laws, as zoning is a local issue in Indiana. HOWEVER, we also stressed to the applicants that the community was vehemently opposed to the construction and operation of an autoclave in their neighborhood, and perhaps a meeting was in order to try to come to a compromise or resolution both sides could live with.
- We were working on facilitating communications, and making good progress towards some compromises, however, Midwest Medical decided to put the permit request on hold.
- We consider this a small EJ victory because we helped facilitate communications, provide tools, to help the community's voice get heard – and more importantly to be considered. Had the community not mobilized, the applicants very well might not be re-evaluating their permit request.
- While we may not be able to deny a permit based on EJ concerns, there none-the-less is a role for the state to help grassroots organizations.
- We are also in the process of identifying projects like the Auto Repair project in Maryland that we can implement here. Hope to get input from Advisory Committee, and perhaps through Listening Sessions.
- So there is much to do, and we are rolling up our sleeves.
- But we government workers are not alone in this EJ endeavor. Nor can we be if we are to be successful.
- We need involvement from the local communities.
- We are working hard to earn the trust and respect of groups throughout the state.

- And with their help, with your help, we will truly ensure fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.
- Thank you.